

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>9<sup>th</sup> JANUARY 2020</b>
<b>SUBJECT:</b>	<b>REVIEW OF VEHICLE SIGNAGE AND DRIVERS BADGE</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	Following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association to modify the size requirement for a front licence plate from a licensed Hackney Carriage or Private Hire Vehicle and to modify the size requirement for a driver's identification badge. This report considers the options.
<b>OPTIONS</b>	<b>Options</b> <ul style="list-style-type: none"> <li>• To remain with the existing policy relating to the size of vehicle licence plates</li> <li>• To remain with the current size for driver identification badges</li> <li>• To modify Council Policy relating to the size of vehicle licence plates to that of a smaller size front vehicle plate</li> <li>• To modify Council Policy with the requirement for driver identification badges to that of a smaller badge</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No

<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals including a Judicial Review
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs to the service if appeals are lodged by licence holders with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to issue a plate or disc for a private hire and a hackney carriage vehicle, in pursuance of a licence. This must be fixed to or 'exhibited' on the vehicle. In addition, the Local Authority can attach such conditions as it may consider reasonably necessary to the licence. The Council Constitution

reserves the determination of the design of the vehicle plates and badges to the Licensing and Safety Panel Bury currently requires vehicle licence plates to be attached to both the front and rear of the vehicle. The existing plates are approximately 24.13cm by 17.78 cm.

- 1.4 They are white for hackney carriages and yellow for private hire vehicles. They contain the following information:-
  - A licence number;
  - The vehicle registration number;
  - A description of the make/colour of the vehicle;
  - The number of passengers to be carried;
  - The licence expiry date.
  - The Bury Council Logo
- 1.5 Bury currently require a driver to wear a photograph identification badge and have a similar badge displayed in the vehicle. The current identification badge dimensions are 11.43 cm by 8.89cm.
- 1.6 It is over 10 years since the Licensing and Safety Panel last considered modifications to vehicle signs and ID badges. Members resolved to retain both as they were.
- 1.7 Members will recall at the meeting of the Licensing and Safety Panel on the 28<sup>th</sup> November 2019, members considered a report about the removal of the front plate on licensed vehicles in Bury. Members resolved:
  - That the report be noted.
  - To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.
  - That a report be presented to a future meeting regarding the size of vehicle signage.

## **Issues**

### **2.0 Costs**

- 2.1 Following the decision of the Licensing and Safety Panel on the 28<sup>th</sup> November 2019, the licensing service have contacted the current supplier (VIP) and they have provided alternative examples.
- 2.2 Should members resolve any modifications the cost of new plates will be payable by a vehicle owner on annual renewal and by drivers for badges on 3 yearly renewal unless required sooner then the fee will become immediately payable.
- 2.3 The licensing service are currently going through a tender procurement process in relation to the provision of licensing peripherals provided to the hackney carriage and private hire trades. It is anticipated that the contract will commence on the 1<sup>st</sup> April 2020. The proposed alternative plate and badge are from the current supplier and maybe subject to change in the event of a new supplier.

### **3.0 Accessibility**

3.1 On the 5<sup>th</sup> September 2019, TfGM Disability Design Reference Group (DDRG), met with a GM Licensing Manager's representative, and TfGM staff. DDRG have wide ranging disabilities and impairments. There were a number of concerns discussed relating to licensed vehicles and of particular relevance to this report was as follows:-

- All taxi and PHVs should display (at least A4 size) a photo (recent!), name and badge number of the driver in the vehicle so all passengers can identify the driver and ensure they're getting into the right vehicle.
- Many drivers don't wear badges – and the font on the badges is often too small to read for partially sighted passengers.
- Vehicle livery needs to meet a consistent standard across GM. All stickers should be easily readable and reasonably large in size to accommodate for those who are partially sighted.

#### 4.0 **Proposed Greater Manchester Common Minimum Standards**

4.1 The Proposed Greater Manchester Common Minimum Licensing Standards does make reference to the display of vehicle licence plates as follows:

"All vehicles will display licence plates on the front and back of the vehicle. These will be permanently affixed and must not be magnetic to safeguard against unlicensed vehicles being able to pose a licensed vehicle."

These draft proposals are currently on hold and have yet to be consulted on.

4.2 Detailed at Appendix 1 is a table showing a comparison of the vehicle licence plates for other Greater Manchester Authorities.

#### 5.0 **Proposed National Standards**

5.1 In February this year a report was published "Vehicle Licensing Moving Britain Ahead February 2019 " which included the Government's response to the Report of the Task and Finish Group on Taxi and Private Hire as follows:

TFG (Task & Finish Group) Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

5.2 Government Response

3.11 It is clearly important that people are able to identify a licensed vehicle and driver, minimising the risk of them travelling in vehicles that are not licensed or correctly insured.

3.12 It is also common that people do not understand fundamental differences between taxis and PHVs; comments from the Suzy Lamplugh Trust in the annex to the TFG report highlight that over a quarter of people believe PHVs

can be hired directly through the driver.

3.13 There are divergent standards through England as to what a taxi and PHV may look like, or display. These differences range from the minor e.g. whether an operator's details can or must be displayed (either permanently or in a form which can be removed) to specifying what colour vehicles must be in order to be licensed.

3.14 The Government will consider what vehicle and driver identification requirements should be included within national minimum requirements, focussing on supporting safety. Over and above national minimum standards, local considerations (particularly in respect of vehicle licensing conditions) will remain important.

## **6.0 Best Practice**

- 6.1 The Department for Transport - TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE 2010 makes reference to vehicle identification as follows:

"Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

A licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.

## **7.0 Conclusions**

- 7.1 Members are requested to consider the report. Members are requested to choose 2 options one for plates and one for badges .The options are as follows:
- To remain with the existing policy relating to the size of the front vehicle licence plate;
  - To remain with the existing policy relating to the size of driver's identification badge;
  - To modify Council Policy relating to the size of vehicle licence plates and amend the requirement for the front vehicle plate to a smaller sized plate;
  - To modify Council Policy with the requirement for driver identification badges and amend the requirement relating to the size of the driver's badge to one of a smaller size.

## **List of Background Papers:-**

Previous Minutes of the Licensing and Safety Panel - 28<sup>th</sup> November 2019

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**Licence Requirements for Other Greater Manchester Authorities**

<b>Authority</b>	<b>Front Plate</b>	<b>Rear Plate</b>	<b>Other Information</b>
Bolton	Yes - Small	Yes	
Bury	Yes	Yes	
Manchester	Yes – Small	Yes	
Oldham	No	Yes	Due to be reviewed asking members to consider going back to two plates
Rochdale	Yes	Yes	
Salford	Yes	Yes	
Stockport	No	Yes	Planning to change to two plates
Tameside	Yes	Yes	
Trafford	No	Yes	
Wigan	No	Yes	